IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT PETITION No. 25686 of 2002

Between:

M/s. Ghanshyam Traders, General Merchants &
Commission Agents, Hyderabad

..... PETITIONER

AND

The Secretary to Government,
Agriculture & Cooperation Department,
Government of A.P., Secretariat, Hyderabad
& 3 others.

....RESPONDENTS

THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT PETITION No. 25686 of 2002

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the Respondents in not granting fresh commission agent's license within the market yard of the 3rd Respondent-Market Committee.

2. According to the Petitioner, he filed the writ petition questioning the order of the 2nd Respondent passed in the revision, dated 09.10.2002. It is stated that the Petitioner carried the business in onions under the name and style of M/s. Kailash & Company, from 1995 to 1999-2000 at Mahboob Mansion Market Complex in Shop No.164, having obtained a valid license from Respondent No.3. It is stated that the Petitioner had undergone bypass surgery for heart ailment and as such he discontinued his business, and after recovery from the health problems, the Petitioner applied for fresh license in the name of the Petitioner-firm paying the prescribed fee and complying with the requirements. It is stated that the 4th Respondent informed the Petitioner that his

application was rejected by the 3rd Respondent in view of the Government policy to discourage the issue of fresh license in the functional markets, against which the Petitioner preferred a revision. The revisional authority confirmed the order of rejection observing that the Petitioner was a defaulter in the name of the earlier firm. It is stated that the Markets Acts provides for regulating the activity of Commission Agents or prohibiting him totally in the markets under Sec.32 of the A.P. (Agricultural Produce & Livestock) Markets Act, 1966. It is stated that the Commission Agents are not prohibited from carrying on the business as Commission Agents. The Petitioner has got a statutory right to carry on the business, and therefore, the rejection is illegal and without jurisdiction.

3. At the time of hearing, none appeared for the Petitioner as well as for the Respondents.

4. A perusal of the revisional order passed by the 2nd Respondent, dated 9.10.2002, clearly shows that the Petitioner earlier carried on business in the name of M/s. Kailash & Co., and did not submit the returns, as contemplated under the provisions of the Act and the byelaws for assessments, and has not even applied for renewal of the license. Now the Petitioner has made a fresh application for the grant of Commission Agent's license totally with a new

name, perhaps to get over the default that has been committed by his earlier firm. Therefore, the revisional authority after taking into account the default that has been committed by the Petitioner in the name of the earlier firm, uphold the rejection of the application of the Petitioner by the 3rd Respondent. The said rejection cannot be considered as illegal and without jurisdiction. Therefore, the writ petition fails and liable to be dismissed as devoid of merit.

5. Accordingly, the writ petition is dismissed as devoid of merit. No costs.

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S.ANANDA REDDY.J

Dated: 09..08..2007
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THE HON'BLE MR. JUSTICE S.ANANDA REDDY

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Dt. 09..08..2007